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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,700	12/29/2000	Anthony Edward Stuart	PU000189	9409

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EXAMINER
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MA, JOHNNY

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/752,700	<b>Applicant(s)</b> STUART, ANTHONY EDWARD	
	<b>Examiner</b> Johnny Ma	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-6, 8-16, and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8-11, 12-15, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch et al. (US 5,731,844 of record) in further view of Schein (US 2005/0229215 A1) and Ludtke (US 6,867,764 B2 of record).

As to claim 1, note the Rauch et al. reference that discloses a scroll bar 224 for rapidly advancing a program guide as illustrated in Figure 2.

The claimed "enabling a display on a display device, wherein the display includes a time line" is met by "[a] screen display is shown in FIG. 2 which is displayed by the television 130 under control of the selection program 152 when the user requests a schedule...[t]he screen display includes a schedule layout 200" (Rauch 5:47-49), "[t]he schedule layout 200 includes a time scroll bar 224 which the user scrolls to select time entries 215 that are different than the time entries currently displayed on the time axis 214 of the grid 210" (Rauch 7:1-4).

Art Unit: 2623

The claimed “enabling the user to move the marker” is met by “input device 120 is a mouse, a remote control pointing device, or the like” (Rauch 4:43-45) and “the contents of the grid [(time/channel)] may be manipulated by directional buttons provided on the input device 120” (Rauch 7:21-23) wherein the time scroll bar includes a marker as illustrated in Figure 2.

Note, the Rauch et al. reference discloses the availability of multiple days of program information for display to users wherein “[t]he schedule layout 200 also includes a day selector 220 with which the user selects the day for which the television programs are to be displayed by the grid 210 (Rauch 6:58-60). The Rauch et al. reference discloses that “[t]he day selector 220 contains arrow button with which the user moves the selected ay chronologically forward or backward” (Rauch 6:60-64) and “a time scroll bar 224 which the user scrolls to select time entries 215 that are different than the time entries currently displayed on the time axis 214 of the grid 210. Thus the Rauch et al. reference discloses a day selector 220 for conveniently viewing the program schedule for the same time on different days. However, the Rauch et al. reference does not specifically disclose the time period the time scroll bar 224 encompasses, i.e. the system response to transitions between different days.

Now note the Schein et al. reference that discloses an interactive computer system for providing television schedule information wherein the viewer can scroll to move forward and backward in time (Schein [0083]) and the user can use the scroll bar to transition between different times and days as illustrated in Figure 12B, illustrating a transition between days (10:00 pm and 12:00 am). Further note, the Schein reference teaches that the scroll bar is visually proportional to the total information in the program matrix 706 (Schein [0080]) and that the visually proportional scroll bar is equally applicable to timing information (Schein [0083]). Thus the Schein et al. reference

Art Unit: 2623

discloses a scroll bar for scrolling through time slots within a time period comprising a plurality of days, meeting the claimed “times and days in the future from a current day and time to which a marker can be moved.” Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Rauch et al. time scroll bar for scrolling through available time entries with the Schein et al. scroll bar for scrolling through program information for multiple days and times for the purpose of allowing the system users to navigate the program in an intuitive matter, chronologically, in order to minimize the need for users to learn a new control interface thus generate greater revenue by increasing the number of users of the device.

Note the Rauch et al. and Schein et al. combination discloses a time line representing discrete predefined time slots thereon delineating times and days in the future from a current day and time to which a marker can be moved as discussed above.

However, the Rauch et al. and Schein et al. combination is silent as to a time line having notches. Now note the Ludtke reference that discloses “[r]egardless of the mode, it is preferable for the slider to provide some indexing marks or other graphical information to indicate to the user what type of data will be entered as the slider is manipulated” (Ludtke 4:47-50) wherein the indexing marks should be representative of value type used, such as numbers for currency values (Ludtke 4:51-58). Thus the Ludtke reference clearly teach the use of indexing marks (notches) on a slider. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Rauch et al. and Schein et al. combination with the Ludtke indexing marks “to indicate to the user what type of data will be entered as the slider is manipulated” (Ludtke 4:48-50).

Art Unit: 2623

Note the claimed “having notches representing discrete predefined time slots thereon delineating times and days in the future from a current day and time to which a marker can be moved” is met by the Rauch et al., Schein et al., and Ludtke combination as discussed above wherein the appropriate indexing marks would comprise time and days.

The claimed “to one of the notches delineating a desired day and time in the future, thereby causing to be displayed in a time window displayed on the display device a time period displaying indicia for programs to be broadcast during the time period on said desired day and time” is met by the Rauch et al., Schein et al., and Ludtke combination wherein “[t]he schedule layout 200 includes a time scroll bar 224 which the user scrolls to select time entries 215 that are different than the time entries currently displayed on the time axis 214 of the grid 210” (Rauch 7:1-4) wherein the time scroll bar includes information for a plurality days and notches representing the times and days to indicate the time/day that will be entered as the slider is manipulated.

As to claim 2, the claimed “wherein the notches delineate times that are hours, days, weeks or months in the future from the current day and time,” please see rejection of claim 1.

As to claim 3, the claimed “further comprising the step of moving the time window to view desired program indicia” is met by “by manipulating the time scroll bar 224 and the channel scroll bar 226, the user varies the content of the displayed portion of the grid 210 shown in the schedule layout 200” (Rauch 7:18-21).

As to claim 4, the claimed “further comprising the step of moving the time window in on-half hour increments” is met by “time scroll bar 224 which the user scrolls to select time entries 215 that are different than the time entries currently displayed on the time axis 214 of the grid

Art Unit: 2623

210” (Rauch 7:1-4) wherein the timeslots are divided into half-hour increments (Rauch 7:8-9), also see Figure 2.

As to claim 5, the claimed “wherein the marker can be selectively moved forward and backward in time” is met by the time scroll bar comprising left arrow (backwards in time) and right arrow (forwards in time), as illustrated in Figure 2 (Rauch), for moving forward and backward in time.

As to claim 8, note the Rauch et al. reference that discloses a scroll bar 224 for rapidly advancing a program guide as illustrated in Figure 2.

The claimed “enabling a display on a display device, wherein the display includes a time line” is met by “[a] screen display is shown in FIG. 2 which is displayed by the television 130 under control of the selection program 152 when the user requests a schedule...[t]he screen display includes a schedule layout 200” (Rauch 5:47-49), “[t]he schedule layout 200 includes a time scroll bar 224 which the user scrolls to select time entries 215 that are different than the time entries currently displayed on the time axis 214 of the grid 210” (Rauch 7:1-4).

The claimed “enabling a user to move the marker” is met by “input device 120 is a mouse, a remote control pointing device, or the like” (Rauch 4:43-45) and “the contents of the grid [(time/channel)] may be manipulated by directional buttons provided on the input device 120” (Rauch 7:21-23) wherein the time scroll bar includes a marker as illustrated in Figure 2.

Note, the Rauch et al. reference discloses the availability of multiple days of program information for display to users wherein “[t]he schedule layout 200 also includes a day selector 220 with which the user selects the day for which the television programs are to be displayed by the grid 210 (Rauch 6:58-60). The Rauch et al. reference discloses that “[t]he day selector 220

Art Unit: 2623

contains arrow button with which the user moves the selected ay chronologically forward or backward” (Rauch 6:60-64) and “a time scroll bar 224 which the user scrolls to select time entries 215 that are different than the time entries currently displayed on the time axis 214 of the grid 210. Thus the Rauch et al. reference discloses a day selector 220 for conveniently viewing the program schedule for the same time on different days. However, the Rauch et al. reference does not specifically disclose the time period the time scroll bar 224 encompasses, i.e. the system response to transitions between different days.

Now note the Schein et al. reference that discloses an interactive computer system for providing television schedule information wherein the viewer can scroll to move forward and backward in time (Schein [0083]) and the user can use the scroll bar to transition between different times and days as illustrated in Figure 12B, illustrating a transition between days (10:00 pm and 12:00 am). Further note, the Schein reference teaches that the scroll bar is visually proportional to the total information in the program matrix 706 (Schein [0080]) and that the visually proportional scroll bar is equally applicable to timing information (Schein [0083]). Thus the Schein et al. reference discloses a scroll bar for scrolling through time slots within a time period comprising a plurality of days, meeting the claimed “times and days in the future from a current day and time to which a marker can be moved.” Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Rauch et al. time scroll bar for scrolling through available time entries with the Schein et al. scroll bar for scrolling through program information for multiple days and times for the purpose of allowing the system users to navigate the program in an intuitive matter, chronologically, in order to minimize the



Art Unit: 2623

need for users to learn a new control interface thus generate greater revenue by increasing the number of users of the device.

Note the Rauch et al. and Schein et al. combination discloses a time line representing discrete predefined time slots thereon delineating times and days in the future from a current day and time to which a marker can be moved as discussed above.

However, the Rauch et al. and Schein et al. combination is silent as to a time line having notches.

Now note the Ludtke reference that discloses “[r]egardless of the mode, it is preferable for the slider to provide some indexing marks or other graphical information to indicate to the user what type of data will be entered as the slider is manipulated” (Ludtke 4:47-50) wherein the indexing marks should be representative of value type used, such as numbers for currency values (Ludtke 4:51-58). Thus the Ludtke reference clearly teach the use of indexing marks (notches) on a slider. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Rauch et al. and Schein et al. combination with the Ludtke indexing marks “to indicate to the user what type of data will be entered as the slider is manipulated” (Ludtke 4:48-50).

Note the claimed “having notches representing discrete predefined time slots thereon delineating times and days in the future from a current day and time to which a marker can be moved” is met by the Rauch et al., Schein. et al., and Ludtke combination as discussed above wherein the appropriate indexing marks would comprise time and days.

The claimed “enabling the display to further include a time window defining a first time period on the current day, wherein the time window displays indicia for programs broadcast during the

Art Unit: 2623

first time period of the current day” is met by the schedule layout 200 for displaying program schedule information for a plurality of days including the current day (Rauch 5:47-67).

The claimed “enabling a user to move the marker to one of the notches delineating a desired day and time in the future, thereby causing to be displayed in the time window a second time period displaying indicia for programs to be broadcast during the second time period on said desired day and time” is met by the Rauch et al., Schein et al., and Ludtke combination wherein “[t]he schedule layout 200 includes a time scroll bar 224 which the user scrolls to select time entries 215 that are different than the time entries currently displayed on the time axis 214 of the grid 210” (Rauch 7:1-4) wherein the time scroll bar includes information for a plurality days and notches representing the times and days to indicate the time/day that will be entered as the slider is manipulated.

As to claim 9, the claimed “wherein the second time period is for a period of time on a different day than the first time period” is met by Rauch et al., Schein et al., and Ludtke combination as discussed above wherein the user may use the time scroll bar to access program information for a different day.

As to claim 10, the claimed “wherein the second time period overlaps the first time period” is met by the Rauch et al., Schein et al., and Ludtke combination, as discussed in the rejection of claim 8, teaching a time line comprising days and time to move in the various time slots in the grid wherein the time slots are divided into 30 minute increments as illustrated in Figure 2 (Rauch). Note that by incrementing the time frame by 30 minutes, the new time frame overlaps the previous time frame.

Art Unit: 2623

As to claim 11, the claimed “wherein the first and second time periods are successive time periods” is met by that discussed in the rejection of claim 8 wherein a user may access any time frame of program guide information which inherently includes successive time periods.

As to claims 12-15, please see rejections of claims 1-2 and 4-5 respectively.

As to claims 18-21, please see rejections of claims 8-11 respectively.

4. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch et al. (US 5,731,844 of record) in further view of Schein (US 2005/0229215 A1), (US 6,867,764 B2), and Schlarb et al. (US 6,664,984 B2 of record).

As to claim 6, the claimed “wherein the marker can be selectively moved backwards in time to display indicia for programs that were already broadcast.” Note the Rauch et al. reference teaches selectively moving the marker backwards to display programming. However, the Finseth et al. and Schein et al. combination does not specifically disclose “wherein the marker can be selectively moved backwards in time to display indicia for programs that were already broadcast.” Now note the Schlarb et al. reference that discloses a method and system for identification of pay-per-view programming. The claimed “wherein the marker can be selectively moved backwards in time to display indicia for programs that were already broadcast” is met by “[t]he subscriber, depending on the television system, can scroll up or down through the hundreds of channels and forwards or backwards through several days or weeks of program information” (Schlarb 1:59-65). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Rauch et al. backwards navigation with the Schlarb et al. navigating backwards through several days or weeks of program information for the purpose of providing a user the option to verify

Art Unit: 2623

whether he/she had missed any programming and/or to determine missed programming that he/she may want to locate a repeat showing at a later time.

As to claim 16, please see rejection of claim 6.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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